

## **2011 DRAFTING REQUEST**

### **Bill**

Received: **05/10/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Steve Kestell (608) 266-8530**

By/Representing: **Chris Kulow**

May Contact:

Drafter: **tkuczens**

Subject:     **Education - school boards**  
              **Education - school finance**  
              **Education - state superintendent**

Addl. Drafters:     **pgrant**

Extra Copies:     **pg**

Submit via email: **YES**

Requester's email:     **Rep.Kestell@legis.wisconsin.gov**

Carbon copy (CC:) to:     **tracy.kuczenski@legis.wisconsin.gov**

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#### **Pre Topic:**

No specific pre topic given

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#### **Topic:**

Omnibus education bill (compile)

---

#### **Instructions:**

See attached

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#### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 05/10/2011			_____			S&L
/P1		nmatzke 05/11/2011		_____			S&L
/P2	pgrant 05/12/2011	csicilia 05/12/2011	rschluet 05/12/2011	_____	lparisi 05/12/2011		S&L

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/1	chanaman 05/12/2011	nnatzke 05/12/2011	rschluet 05/12/2011	_____	mbarman 05/12/2011		S&L
/2			mduchek 05/12/2011	_____	lparisi 05/12/2011	ggodwin 05/12/2011	

FE Sent For:

At Intro.

&lt;END&gt;

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/1			rschluet	_____	mbarman		
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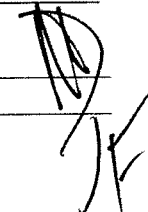
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### Instructions:

See attached

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/?	tkuczens	/p2 num 5/11	5/11 PG- compile				

FE Sent For:

  
<END>

Kulow, Chris

Friday, April 29, 2011 2:26 PM

To: Grant, Peter; Kuczenski, Tracy

Cc: Archibald, Sarah; 'Dan Rossmiller'; john.forester@wsaa.org; Kestell, Steve

Subject: Omnibus Draft

Peter & Tracy:

Here is the finalized list of drafts to put together for the omnibus draft. Some of these are p drafts so there may still be questions that need to be answered. Let me know and I will try to get you those answers. Our plan right now is to hear this bill in a joint committee hearing on Monday, May 16.

Thanks for all your help!

Christopher Kulow  
Office of State Representative Steve Kestell  
15 West - State Capitol; 266-8530  
<http://kestell.assembly.wisconsin.gov>

- 1 - LRB 1653 relating to: granting high school credit for extracurricular sports.
- 2 - 1654/2 relating to: services provided by a special education program.
- 3 - 1747/P1 relating to: transportation aid paid to school districts.
- 4 - 1655 relating to: the use of moneys received by a school district from the common school fund.
- 10 - 1664/2 relating to: using the results of standardized examinations to evaluate, discharge, suspend, or discipline a teacher or for the nonrenewal of a teacher's contract.
- 13 - 1710 relating to: the number of teaching days scheduled in the Milwaukee Public Schools.
- 17 - 1703/P1 relating to: permitting a school district to limit the grades in which to reduce class size under the Student Achievement Guarantee in Education Program.
- \*19 - 1702/P2 relating to: permitting a school board to deny enrollment to a pupil who has been expelled from an out-of-state school.
- 20 - 1697/P1 relating to: use of law enforcement records to take disciplinary action against a pupil under a school district's athletic code.
- 22 - 1696 relating to: changing the date by which a school district must certify the amount of its property tax levy.

\*-when redraft is completed by TKK

LRB  
-2066

10 compile  
drafts

Per  
PG  
05-12-2011

Need (10)  
Appendix

4/29/2011

**Grant, Peter**

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**Sent:** Friday, April 29, 2011 2:26 PM  
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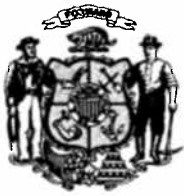
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- 22 - 1696 relating to: changing the date by which a school district must certify the amount of its property tax levy.

\*-when redraft is completed by TKK

COMPONENT DRAFT      ACTION

- 1655/1      43.70 (3) of the statutes is amended to read:
- 1654/2      115.88 (1) of the statutes is amended to read:
- 1654/2      115.88 (1m) (a) of the statutes is amended to read:
- 1697/P1      118.125 (5) (b) of the statutes is amended to read:
- 1664/2      118.225 (intro.) of the statutes is renumbered 118.225 and amended to read:
- 1664/2      118.225 (1) to (4) of the statutes are repealed.
- 1664/2      118.30 (2) (c) of the statutes is amended to read:
- 1653/1      118.33 (1) (e) of the statutes is created to read:
- 1702/P3      118.40 (2r) (b) 2m. of the statutes is created to read:
- 1703/P1      118.43 (3) (intro.) of the statutes is amended to read:
- 1703/P1      118.43 (3r) of the statutes is created to read:
- 1703/P1      118.43 (6) (b) 10. of the statutes is amended to read:
- 1710/1      119.18 (6) (intro.) and (b) of the statutes are consolidated, renumbered 119.18 (6) and amended to read:
- 1710/1      119.18 (6) (a) of the statutes is repealed.
- 1696/1      120.12 (3) (a), (b) and (c) of the statutes are amended to read:
- 1702/P3      120.13 (1) (f) of the statutes is renumbered 120.13 (1) (f) 1.
- 1702/P3      120.13 (1) (f) 2. and 3. of the statutes are created to read:
- 1702/P3      120.13 (1) (h) 1. a. of the statutes is renumbered 120.13 (1) (h) 1. am.
- 1702/P3      120.13 (1) (h) 1. ag. of the statutes is created to read:
- 1702/P3      120.13 (1) (h) 1. c. of the statutes is created to read:
- 1702/P3      120.13 (1) (h) 2m. of the statutes is created to read:
- 1702/P3      120.13 (1) (h) 3m. of the statutes is created to read:
- 1702/P3      120.13 (1) (h) 4. of the statutes is amended to read:
- 1702/P3      120.13 (1) (h) 4m. of the statutes is created to read:
- 1702/P3      120.13 (1) (h) 5m. of the statutes is created to read:
- 1702/P3      120.13 (1) (h) 6m. of the statutes is created to read:
- 1696/1      120.17 (8) (a) of the statutes is amended to read:
- 1747/P1      121.58 (6) of the statutes is renumbered 121.58 (6) (a).
- 1747/P1      121.58 (6) (title) of the statutes is amended to read:
- 1747/P1      121.58 (6) (b) of the statutes is created to read:
- 1702/P3      Section 13. Initial applicability.
- ✓-1653/1      Section 2. Initial applicability.
- ✓-1654/2      Section 3. Initial applicability.
- ✓-1664/2      Section 4. Initial applicability.
- ✓-1703/P1      Section 4. Initial applicability.
- 1747/P1      Section 4. Initial applicability.

\*\*\*\*\*



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2066/PA

TKK:l:ph

PG MADA  
all

Free a.m.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA✓

Regen.

1 AN ACT *to repeal* 118.225 (1) to (4) and 119.18 (6) (a); *to renumber* 120.13 (1)  
2 (f), 120.13 (1) (h) 1. a. and 121.58 (6); *to renumber and amend* 118.225 (intro.);  
3 *to consolidate, renumber and amend* 119.18 (6) (intro.) and (b); *to amend*  
4 43.70 (3), 115.88 (1), 115.88 (1m) (a), 118.125 (5) (b), 118.30 (2) (c), 118.43 (3)  
5 (intro.), 118.43 (6) (b) 10., 120.12 (3) (a), (b) and (c), 120.13 (1) (h) 4., 120.17 (8)  
6 (a) and 121.58 (6) (title); and *to create* 118.33 (1) (e), 118.40 (2r) (b) 2m., 118.43  
7 (3r), 120.13 (1) (f) 2. and 3., 120.13 (1) (h) 1. ag., 120.13 (1) (h) 1. c., 120.13 (1)  
8 (h) 2m., 120.13 (1) (h) 3m., 120.13 (1) (h) 4m., 120.13 (1) (h) 5m., 120.13 (1) (h)  
9 6m. and 121.58 (6) (b) of the statutes; **relating to:** granting high school credit  
10 for extracurricular sports; services provided by a special education program;  
11 transportation aid paid to school districts; the use of moneys received by a  
12 school district from the common school fund; using the results of standardized  
13 examinations to evaluate, discharge, suspend, or discipline a teacher or for the  
14 nonrenewal of a teacher's contract; the number of teaching days scheduled in  
15 the Milwaukee Public Schools; permitting a school district to limit the grades

- 1 in which to reduce class size under the Student Achievement Guarantee in  
 2 Education Program; permitting a school board to deny enrollment to a pupil  
 3 who has been expelled from an out-of-state school or from an independent  
 4 charter school in this state and permitting an independent charter school to  
 5 expel a pupil; use of law enforcement records to take disciplinary action against  
 6 a pupil under a school district's athletic code; <sup>and</sup> changing the date by which a  
 7 school district must certify the amount of its property tax levy.

**Analysis by the Legislative Reference Bureau**

**\*\*\* ANALYSIS FROM 1653/1 \*\*\***

Current law requires a high school pupil to earn 1.5 credits in physical education in order to be eligible for a high school diploma. This bill authorizes a school board to adopt a policy granting a pupil credit in physical education for completing a season in an extracurricular sport if the sport is sanctioned by the Wisconsin Interscholastic Athletic Association.

**\*\*\* ANALYSIS FROM 1654/2 \*\*\***

Under current law, a school district receives state special education aid for the costs of contracting with a public or private agency for physical or occupational therapy services. This bill explicitly authorizes a school district to contract for a variety of services, including orientation and mobility training, educational interpreters, audiologists, speech therapists, pupil transition services, and any services approved by the state superintendent of public instruction; and makes the costs of such a contract eligible for special education aid.

**\*\*\* ANALYSIS FROM 1747/P1 \*\*\***

Under current law, the Department of Public Instruction (DPI) must prorate state aid payments to school districts for transportation costs if the amount appropriated does not cover all eligible costs. Under this bill, if funds remain after DPI pays all approved claims, DPI must distribute the balance to school districts on a prorated basis.

**\*\*\* ANALYSIS FROM 1655/1 \*\*\***

Current law allows a school district to use up to 25 percent of the moneys it receives from the common school fund in a fiscal year to purchase school library computers and related software. This bill eliminates the 25 percent limit.

**\*\*\* ANALYSIS FROM 1664/2 \*\*\***

Current law allows a school board to use the results of state-required standardized examinations and the standardized examinations required under the federal No Child Left Behind Act to evaluate teachers if certain conditions are met. The school board must develop a teacher evaluation plan that includes a description of the evaluation process, multiple criteria in addition to examination results, the

This bill makes a number of changes to laws governing public education. #

INS FROM PP. 4-5  
INS FROM P. 3

move to p. 5

rationale for using examination results for evaluating teachers, and an explanation of how the school board intends to use the evaluations to improve pupil academic achievement.

This bill allows a school board to use the results of standardized examinations to evaluate teachers without the presence of the conditions described above.

Under current law, the results of standardized examinations may not be used to discharge, suspend, or formally discipline a teacher or as the reason for the nonrenewal of a teacher's contract.

This bill provides that the results of standardized examinations may not be used as the *sole* reason to discharge, suspend, or formally discipline a teacher or as the *sole* reason for the nonrenewal of a teacher's contract.

~~\*\*\* ANALYSIS FROM -1710/1 \*\*\*~~

Under current law, the board of Milwaukee Public Schools determines the school calendar and vacation periods for the regular day and summer schools each school year, but the board may not schedule more than 200 teaching days in the regular day school period in any school year. This bill eliminates the requirement that no more than 200 teaching days be scheduled in the regular day school period.

~~\*\*\* ANALYSIS FROM -1703/P1 \*\*\*~~

Current law generally allows an eligible school board that enters into a five-year renewable student achievement guarantee (SAGE) contract with the Department of Public Instruction (DPI) to receive \$2,250 for each low-income pupil enrolled in grades kindergarten to three in a school with specified low-income enrollment if the school board reduces the class size of the classes in which the low-income pupils are enrolled. Current law requires a school board to phase in the class size limitation over the five-year contract. In the first year of a SAGE contract, the school board must reduce class size in grades kindergarten and one. By the fourth year of the SAGE contract, the school board must have reduced the class size in all of the grades kindergarten to three.

In general, for SAGE contracts entered into prior to the 2010-11 school year, a participating school board could only satisfy the class size limitation requirement by reducing class size to 15 pupils. For SAGE contracts entered into in the 2010-11 school year, current law permits a school board to satisfy the class size limitation requirement by either reducing class size to 18 pupils or by combining two classes with two classroom teachers to achieve a total class size of 30 pupils. Current law permits a school board to renew and receive payments under a renewed SAGE contract if the school board either maintains the reduced class size achieved during the last school year of the original SAGE contract for the grades specified for the last school year of the contract, reduces class size to no more than 18 pupils, or combines two classes with two classroom teachers to achieve a total class size of 30 pupils.

This bill permits a school board that has entered into or renewed a SAGE contract to choose not to comply with the class size limitation requirements in one or more grades covered by the contract in one or more schools in the school district and in one or more years of the contract term.

~~\*\*\* ANALYSIS FROM -1702/P3 \*\*\*~~

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p 2

Under current law, a school board may expel a pupil only if the pupil engaged in certain prohibited conduct while at school or while under the supervision of a school authority. Generally, the prohibited conduct is conduct that endangers the property, health, or safety of others or interferes with the ability of school authorities to maintain order or an educational atmosphere at school. Prior to expelling a pupil, the school board must follow certain procedures. These procedures include holding an expulsion hearing and providing the pupil and, if the pupil is a minor, his or her parent, with written and timely notice of the hearing.

Also under current law, a school board may refuse to enroll a pupil during the term of the pupil's expulsion from another school district. In an opinion issued on April 10, 2008, the Wisconsin attorney general determined that current law does not permit a school district to refuse to enroll a pupil who is currently expelled from a private school or an out-of-state school.

Current law permits the University of Wisconsin (UW)-Milwaukee, UW-Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of charter schools. Generally, charter schools operate with fewer constraints than traditional public schools. Current law does not explicitly authorize an independent charter school to expel a pupil.

This bill permits an independent charter school to include in its charter or contract grounds for expelling a pupil provided the grounds duplicate the grounds provided under current law to school boards. If a charter or contract of an independent charter school includes grounds for expelling a pupil, the charter or contract must also include the same procedural requirements established for the expulsion of a pupil by a school board under current law.

This bill authorizes a school board to refuse to enroll a pupil during the term of the pupil's expulsion from a public school in another state if the grounds for the pupil's expulsion would have been grounds for expulsion in this state. This bill also permits a school board to refuse to enroll a pupil during the term of the pupil's expulsion from an independent charter school if the charter or contract of the independent charter school contains the grounds for expulsion and procedural requirements identified above.

Under current law, a school board may include early reinstatement conditions in an expulsion order issued for a pupil. Current law defines "early reinstatement condition" as a condition that a pupil must meet before he or she may be granted early reinstatement or a condition that a pupil must meet after his or her early reinstatement but before the expiration of the term of expulsion specified in the pupil's expulsion order. Early reinstatement conditions must relate to the reasons for the pupil's expulsion. If a school district administrator or designee determines that the pupil has satisfied the early reinstatement conditions, the pupil may be reinstated before the expiration of the term of the pupil's expulsion. If a pupil who received early reinstatement subsequently violates an early reinstatement condition before the expiration of the term of expulsion, the school board may revoke the pupil's early reinstatement.

move to  
p. 2



move  
to p. 2

This bill permits a school board other than the school board that expelled a pupil to establish enrollment conditions for the pupil. The bill defines "enrollment condition" as a condition that a pupil is required to meet before he or she may be granted conditional enrollment or a condition that a pupil is required to meet after his or her conditional enrollment but before the expiration of the term of expulsion specified in the pupil's expulsion order. The enrollment conditions must relate to the reasons for the pupil's expulsion from the expelling school district. The school district administrator or designee of the nonexpelling school district may permit the pupil to conditionally enroll in a school located in that school district if the pupil satisfies the enrollment conditions, and may revoke conditional enrollment if the pupil subsequently violates the enrollment conditions.

~~\*\*\* ANALYSIS FROM -1697/P1 \*\*\*~~

Under current law, law enforcement records obtained by and relating to the conduct of a pupil of a school district may not be used as the sole basis for expelling or suspending the pupil or as the sole basis for taking any other disciplinary action against the pupil, including action under the school district's athletic code. This bill permits a school district to use such law enforcement records as the sole basis for taking action against a pupil under the district's athletic code.

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FROM  
P 2

~~\*\*\* ANALYSIS FROM -1696/1 \*\*\*~~

Under current law, each school board must annually determine the amount necessary to be raised to operate and maintain the schools of the school district and must, on or before November 6, certify that amount to the municipal clerk to assess and enter onto the tax rolls. This bill provides that, in years in which a November general election is held, the school board must certify the amount to be assessed on or before November 10.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1           **SECTION 1.** 43.70 (3) of the statutes is amended to read:
- 2           43.70 (3) Immediately upon making such apportionment, the state
- 3           superintendent shall certify to the department of administration the estimated
- 4           amount that each school district is entitled to receive under this section and shall
- 5           notify each school district administrator of the estimated amount so certified for his
- 6           or her school district. The department of administration shall distribute each school
- 7           district's aid entitlement in one payment on or before May 1. The amount paid to each

1 school district shall be based upon the amount in the appropriation account under  
2 s. 20.255 (2) (s) on April 15. Moneys distributed under this section may be expended  
3 only for the purchase of instructional materials from the state historical society for  
4 use in teaching Wisconsin history and for the purchase of library books and other  
5 instructional materials for school libraries, but not for public library facilities  
6 operated by school districts under s. 43.52, in accordance with rules promulgated by  
7 the state superintendent. In addition, a school district may use ~~up to 25 percent of~~  
8 the moneys received in a fiscal year under this section to purchase school library  
9 computers and related software if the school board consults with the person who  
10 supervises the school district's libraries and the computers and software are housed  
11 in the school library. Appropriate records of all purchases under this section shall  
12 be kept and necessary reports thereon shall be made to the state superintendent.

13 **SECTION 2.** 115.88 (1) of the statutes is amended to read:

14 115.88 (1) PERSONNEL. A school board, board of control of a cooperative  
15 educational service agency or, upon authorization of the county board, a county  
16 children with disabilities education board may employ, for a special education  
17 program, either ~~full-~~ full-time or part-time licensed teachers, licensed coordinators  
18 of special education, school nurses, licensed school social workers, licensed school  
19 psychologists, licensed school counselors, paraprofessionals, licensed consulting  
20 teachers to work with any teacher of regular education programs who has a child  
21 with a disability in a class and any other personnel approved by the department. The  
22 board may contract with private or public agencies for physical or occupational  
23 therapy services, orientation and mobility training services, educational interpreter  
24 services, educational audiology, speech therapy, pupil transition services, or any  
25 service approved by the state superintendent, on the basis of demonstrated need. A

1 school board may contract with a charter school to provide special education services  
2 to pupils attending the charter school if the charter school is under contract with the  
3 school board under s. 118.40 (2m) and the charter school is not an instrumentality  
4 of the school district.

5 **SECTION 3.** 115.88 (1m) (a) of the statutes is amended to read:

6 115.88 **(1m)** (a) Subject to par. (b), upon receipt of the plan under s. 115.77 (4),  
7 if the state superintendent is satisfied that the special education program has been  
8 maintained during the preceding school year in accordance with law, the state  
9 superintendent shall certify to the department of administration in favor of each  
10 county, cooperative educational service agency, and school district maintaining such  
11 special education program a sum equal to the amount expended by the county,  
12 agency, and school district during the preceding year for salaries of personnel  
13 enumerated in sub. (1); the salary portion of any authorized contract for ~~physical or~~  
14 ~~occupational therapy services~~ under sub. (1); the salary portion of any contract to  
15 provide special education services to pupils attending a charter school, as authorized  
16 under sub. (1); and other expenses approved by the state superintendent, as costs  
17 eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

18 **SECTION 4.** 118.125 (5) (b) of the statutes is amended to read:

19 118.125 **(5)** (b) Law enforcement officers' records obtained under s. 48.396 (1)  
20 or 938.396 (1) (b) 2. or (c) 3. and records of the court assigned to exercise jurisdiction  
21 under chs. 48 and 938 or of a municipal court obtained under s. 938.396 (2g) (m) may  
22 not be used by a school district as the sole basis for expelling or suspending a pupil  
23 or as the sole basis for taking any other disciplinary action, ~~including against a pupil,~~  
24 but may be used as the sole basis for taking action against a pupil under the school  
25 district's athletic code, ~~against a pupil.~~

1           **SECTION 5.** 118.225 (intro.) of the statutes is renumbered 118.225 and amended  
2 to read:

3           **118.225 Teacher evaluations.** A school board may use the results of  
4 examinations administered to pupils under s. 118.30 and 20 USC 6311 (b) (3) to  
5 evaluate teachers. <sup>plain</sup> If the school board has developed a teacher evaluation plan that  
6 includes all of the following:

7           **SECTION 6.** 118.225 (1) to (4) of the statutes are repealed.

8           **SECTION 7.** 118.30 (2) (c) of the statutes is amended to read:

9           118.30 (2) (c) The results of examinations administered under this section or  
10 under 20 USC 6311 (b) (3) to pupils enrolled in public schools, including charter  
11 schools, may not be used as the sole reason to discharge, suspend, or formally  
12 discipline a teacher or as the sole reason for the nonrenewal of a teacher's contract.

13           **SECTION 8.** 118.33 (1) (e) of the statutes is created to read:

14           118.33 (1) (e) A school board may adopt a policy granting a pupil credit in  
15 physical education under par. (a) 1. for completing a season in an extracurricular  
16 sport if the sport is sanctioned by the Wisconsin Interscholastic Athletic Association.  
17 If a school board adopts a policy under this paragraph, it shall provide the  
18 department with a copy.

19           **SECTION 9.** 118.40 (2r) (b) 2m. of the statutes is created to read:

20           118.40 (2r) (b) 2m. a. A charter or contract may include grounds for expelling  
21 a pupil from the charter school, but the charter or contract may not include as a  
22 ground for expulsion any ground for expulsion other than the grounds for expulsion  
23 under s. 120.13 (1) (c) 1., 2., or 2m.

24           b. If the charter or contract includes grounds for expelling a pupil from the  
25 charter school as permitted under subd. 2m. a., the charter or contract shall include

1 the procedures to be followed by the charter school prior to expelling a pupil. The  
2 procedures required under this subd. 2m. b. shall conform to the procedures specified  
3 under s. 120.13 (1) (c) 3. and 4. or to the procedures specified under s. 120.13 (1) (e).

4 **SECTION 10.** 118.43 (3) (intro.) of the statutes is amended to read:

5 118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am),  
6 (ar), and (at) and sub. (3r), an achievement guarantee contract shall require the  
7 school board to do all of the following in each participating school:

8 **SECTION 11.** 118.43 (3r) of the statutes is created to read:

9 118.43 (3r) ADJUSTMENT TO PARTICIPATING GRADES. A school district that has  
10 entered into or renewed an achievement guarantee contract under this section may,  
11 in one or more years covered by the contract, choose not to comply with the  
12 requirement to reduce class size in the manner required under sub. (3) (a), (am), (ar),  
13 or (at) or permitted under sub. (3m) in one or more of the grades covered by the  
14 contract in one or more schools in the district.

15 **SECTION 12.** 118.43 (6) (b) 10. of the statutes is amended to read:

16 118.43 (6) (b) 10. In the 2010-11 school year and any subsequent school year,  
17 \$2,250 multiplied by the number of low-income pupils enrolled in grades a grade  
18 eligible for funding, and in a class in which the class size has been reduced in the  
19 manner required under sub. (3) (a), (am), (ar), or (at) or permitted under sub. (3m),  
20 in each school in the school district covered by contracts under sub. (3) (at) and by  
21 renewals of contracts under sub. (2) (g).

22 **SECTION 13.** 119.18 (6) (intro.) and (b) of the statutes are consolidated,  
23 renumbered 119.18 (6) and amended to read:

24 119.18 (6) SCHOOL CALENDAR. The board may determine the school calendar and  
25 vacation periods for each school year for the regular day schools, summer schools,

1 social centers, and playgrounds, ~~except that: (b).~~ The board may close any school or  
2 dismiss any class in the event of an emergency, fire or other casualty, quarantine, or  
3 epidemic.

4 **SECTION 14.** 119.18 (6) (a) of the statutes is repealed.

5 **SECTION 15.** 120.12 (3) (a), (b) and (c) of the statutes are amended to read:

6 120.12 (3) (a) ~~On~~ Annually on or before November 1, determine the amount  
7 necessary to be raised to operate and maintain the schools of the school district and  
8 public library facilities operated by the school district under s. 43.52, if the annual  
9 meeting has not voted a tax sufficient for such purposes for the school year. ~~On~~  
10 Annually on or before November 6, or, in those years in which a November general  
11 election is held, November 10, the school district clerk shall certify the appropriate  
12 amount so determined to each appropriate municipal clerk who shall assess the  
13 amount certified and enter it on the tax rolls as other school district taxes are  
14 assessed and entered.

15 (b) If a tax sufficient to operate and maintain the schools of a school district for  
16 the ensuing school year has not been determined, certified and levied prior to the  
17 effective date of school district reorganization under ch. 117 affecting any territory  
18 of the school district, the school board of the affected school district shall determine,  
19 on or before the November 1 following the effective date of the reorganization, the  
20 amount of deficiency in operation and maintenance funds on the effective date of the  
21 reorganization which should have been paid by the property in the affected school  
22 district if the tax had been determined, certified and assessed prior to the effective  
23 date of the reorganization. ~~On or before November 6,~~ or, in those years in which a  
24 November general election is held, November 10, the school district clerk shall  
25 certify the appropriate amount to each appropriate municipal clerk who shall assess,

1 enter and collect the amount as a special tax on the property. This paragraph does  
2 not affect the apportionment of assets and liabilities under s. 66.0235.

3 (c) If on or before November 1 the school board determines that the annual  
4 meeting has voted a tax greater than that needed to operate the schools of the school  
5 district for the school year, the school board may lower the tax voted by the annual  
6 meeting. On or before November 6, or, in those years in which a November general  
7 election is held, November 10, the school district clerk shall certify the appropriate  
8 amount so determined to each appropriate municipal clerk who shall assess the  
9 amount certified to him or her and enter it on the tax rolls in lieu of the amount  
10 previously reported.

11 **SECTION 16.** 120.13 (1) (f) of the statutes is renumbered 120.13 (1) (f) 1.

12 **SECTION 17.** 120.13 (1) (f) 2. and 3. of the statutes are created to read:

13 120.13 (1) (f) 2. No school board is required to enroll a pupil during the term  
14 of his or her expulsion from a public school in another state if the school board  
15 determines the conduct giving rise to the pupil's expulsion would have been grounds  
16 for expulsion under par. (c) 1., 2., or 2m.

17 3. No school board is required to enroll a pupil during the term of his or her  
18 expulsion from a charter school established under s. 118.40 (2r) if the charter or  
19 contract for the charter school contains the provisions specified under s. 118.40 (2r)  
20 (b) 2m. If a pupil who has been expelled from a charter school established under s.  
21 118.40 (2r) seeks to enroll in a school district during the term of his or her expulsion,  
22 upon request of the pupil or, if the pupil is a minor, the pupil's parent or guardian,  
23 the governing body of the charter school shall provide the school board of the school  
24 district with a copy of the expulsion findings and order, a written explanation of the  
25 reasons why the pupil was expelled, and the term of the expulsion.

1           **SECTION 18.** 120.13 (1) (h) 1. a. of the statutes is renumbered 120.13 (1) (h) 1.  
2       am.

3           **SECTION 19.** 120.13 (1) (h) 1. ag. of the statutes is created to read:

4           120.13 (1) (h) 1. ag. "Conditional enrollment" means enrollment of an expelled  
5       pupil in a school district other than the school district that expelled the pupil before  
6       the expiration of the term of expulsion specified in the pupil's expulsion order under  
7       par. (c) 3. or (e) 3.

8           **SECTION 20.** 120.13 (1) (h) 1. c. of the statutes is created to read:

9           120.13 (1) (h) 1. c. "Enrollment condition" means a condition that a pupil is  
10      required to meet before he or she may be granted conditional enrollment or a  
11      condition that a pupil is required to meet after his or her conditional enrollment but  
12      before the expiration of the term of expulsion specified in the pupil's expulsion order  
13      under par. (c) 3. or (e) 3.

14          **SECTION 21.** 120.13 (1) (h) 2m. of the statutes is created to read:

15          120.13 (1) (h) 2m. A school board other than the school board that expelled a  
16      pupil may specify in a written order one or more enrollment conditions instead of or  
17      in addition to the early reinstatement conditions imposed under subd. 2. by the  
18      school board, or independent hearing panel or independent hearing officer acting  
19      under par. (e), that expelled the pupil. Any enrollment conditions established under  
20      this subdivision shall relate to the reasons for the pupil's expulsion and may not  
21      extend the term of expulsion specified in the expulsion order issued under par. (c) 3.  
22      or (e) 3. The school district clerk of the school district other than the school district  
23      from which the pupil was expelled shall mail 2 copies of the order to the pupil or, if  
24      the pupil is a minor, to the pupil's parent or guardian. The expelled pupil or, if the  
25      pupil is a minor, the pupil's parent or guardian shall sign and return one copy of the

1 order to the school board other than the school board that expelled the pupil. Within  
2 15 days after the date on which the order under this subdivision is issued, the  
3 expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal  
4 the determination regarding whether an enrollment condition specified in the order  
5 is related to the reasons for the pupil's expulsion to the school board that specified  
6 the enrollment condition. The decision of the school board under this subdivision  
7 regarding that determination is final and not subject to appeal.

8 **SECTION 22.** 120.13 (1) (h) 3m. of the statutes is created to read:

9 120.13 (1) (h) 3m. If the school district administrator, or his or her designee,  
10 of a school district other than the school district from which a pupil was expelled  
11 determines that the pupil has met the enrollment conditions established in a written  
12 order under subd. 2m., the school district administrator or designee may grant the  
13 pupil conditional enrollment in a school in the school district. The determination of  
14 the school district administrator or designee under this subdivision is final.

15 **SECTION 23.** 120.13 (1) (h) 4. of the statutes is amended to read:

16 120.13 (1) (h) 4. If a pupil granted early reinstatement under subd. 3. violates  
17 an early reinstatement condition that the pupil was required to meet after his or her  
18 early reinstatement but before the expiration of the term of expulsion, the school  
19 district administrator or a principal or teacher designated by the school district  
20 administrator may revoke the pupil's early reinstatement. Before revoking the  
21 pupil's early reinstatement, the school district administrator or his or her designee  
22 shall advise the pupil of the reason for the proposed revocation, including the early  
23 reinstatement condition alleged to have been violated, provide the pupil an  
24 opportunity to present his or her explanation of the alleged violation, and make a  
25 determination that the pupil violated the early reinstatement condition and that

1 revocation of the pupil's early reinstatement is appropriate. If the school district  
2 administrator or designee revokes the pupil's early reinstatement, the school district  
3 administrator or designee shall give prompt written notice of the revocation and the  
4 reason for the revocation, including the early reinstatement condition violated, to the  
5 pupil and, if the pupil is a minor, to the pupil's parent or guardian.

6 **SECTION 24.** 120.13 (1) (h) 4m. of the statutes is created to read:

7 120.13 (1) (h) 4m. If a pupil granted conditional enrollment under subd. 3m.  
8 violates an enrollment condition that the pupil was required to meet after his or her  
9 conditional enrollment but before the expiration of the term of expulsion, the school  
10 district administrator of the school district in which the pupil is enrolled, or a  
11 principal or teacher designated by the school district administrator, may revoke the  
12 pupil's conditional enrollment. Before revoking the pupil's conditional enrollment,  
13 the school district administrator or his or her designee shall advise the pupil of the  
14 reason for the proposed revocation, including the enrollment condition alleged to  
15 have been violated, provide the pupil an opportunity to present his or her  
16 explanation of the alleged violation, and make a determination that the pupil  
17 violated the enrollment condition and that revocation of the pupil's conditional  
18 enrollment is appropriate. If the school district administrator or designee revokes  
19 the pupil's conditional enrollment, the school district administrator or designee shall  
20 give prompt written notice of the revocation and the reason for the revocation,  
21 including the enrollment condition violated, to the pupil and, if the pupil is a minor,  
22 to the pupil's parent or guardian.

23 **SECTION 25.** 120.13 (1) (h) 5m. of the statutes is created to read:

24 120.13 (1) (h) 5m. Except as provided in subd. 6m., if a pupil's conditional  
25 enrollment is revoked under subd. 4m., the pupil's expulsion shall continue to the

1 expiration of the term of the expulsion specified in the expulsion order unless the  
2 pupil or, if the pupil is a minor, the pupil's parent or guardian and the school board  
3 that expelled the pupil, or the independent hearing panel or independent hearing  
4 officer, agree, in writing, to modify the expulsion order.

5 **SECTION 26.** 120.13 (1) (h) 6m. of the statutes is created to read:

6 120.13 (1) (h) 6m. Within 5 school days after the revocation of a pupil's  
7 conditional enrollment under subd. 4m., the pupil or, if the pupil is a minor, the  
8 pupil's parent or guardian may request a conference with the administrator of the  
9 school district in which the pupil is enrolled, or his or her designee, who shall be  
10 someone other than a principal, administrator, or teacher in the pupil's school. If a  
11 conference is requested, it shall be held within 5 school days following the request.  
12 If, after the conference, the school district administrator or his or her designee finds  
13 that the pupil did not violate an enrollment condition or that the revocation was  
14 inappropriate, the pupil shall be enrolled in school under the same enrollment  
15 conditions as in the order issued under subd. 2m. and the conditional enrollment  
16 revocation shall be expunged from the pupil's record. If the school district  
17 administrator or his or her designee finds that the pupil violated an enrollment  
18 condition and that the revocation was appropriate, he or she shall mail separate  
19 copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or  
20 guardian. The decision of the school district administrator or his or her designee is  
21 final.

22 **SECTION 27.** 120.17 (8) (a) of the statutes is amended to read:

23 120.17 (8) (a) Annually on or before November 6, or, in those years in which a  
24 November general election is held, November 10, deliver to the clerk of each  
25 municipality having territory within the school district a certified statement

1 showing that proportion of the amount of taxes voted and not before reported, and  
2 that proportion of the amount of tax to be collected in such year, if any, for the annual  
3 payment of any loan to be assessed on that part of the school district territory lying  
4 within the municipality. Such proportion shall be determined from the full values  
5 certified to the school district clerk under s. 121.06 (2).

6 **SECTION 28.** 121.58 (6) of the statutes is renumbered 121.58 (6) (a).

7 **SECTION 29.** 121.58 (6) (title) of the statutes is amended to read:

8 121.58 (6) (title) APPROPRIATION PRORATED; PRORATION, DISTRIBUTION OF BALANCE.

9 **SECTION 30.** 121.58 (6) (b) of the statutes is created to read:

10 121.58 (6) (b) If the appropriation under s. 20.255 (2) (cr) in any fiscal year  
11 exceeds the amount of approved claims paid in full under this section and s. 121.575,  
12 the department shall distribute the balance to those school districts entitled to state  
13 aid under this section, with each school district receiving a percentage of the balance  
14 equal to its percentage of the total approved claims.

le **\*\*\*NOTE:** Does the distribution of the balance in the manner provided under this  
paragraph satisfy your intent?

15 **SECTION 31. Initial applicability.**

16 (1) The treatment of section 118.40 (2r) (b) 2m. of the statutes first applies to  
17 a charter or contract to establish and operate a charter school that is entered into,  
18 modified, or renewed on the effective date of this subsection.

19 (2) The treatment of section 120.13 (1) (f) 2. of the statutes first applies to a  
20 pupil expelled from a public school in another state on the effective date of this  
21 subsection.

22 **SECTION 32. Initial applicability.**

LPS: Please  
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The treatment of section 118.33 (1)(e) of the  
statutes

- 1 (1) (a) This act first applies to high school diplomas granted under a policy adopted  
2 by a school board after the effective date of this subsection.

3 **SECTION 33. Initial applicability.**

- 4 (1) (a) This act first applies to state aid paid in the 2012-13 fiscal year.

The treatment of sections 115.88(1) and (1m)(a) of the statutes

5 **SECTION 34. Initial applicability.**

- 6 (1) (a) This act first applies to examinations administered during the 2012-2013

7 school year. The treatment of section 118.30 (2)(c) of the statutes, the repeal  
of section 118.225(1) to (4) of the statutes, and the renumbering  
and amendment of section 118.225 (intro.) of the statutes

- 8 (1) (b) This act first applies to state aid distributed under section 118.43 (6) (b) in  
9 the 2011-12 school year. The treatment of section 118.43 (3) (intro.), (3r), and  
(6)(b) 10 of the statutes

- 10 (1) (c) This act first applies to aid paid for transportation provided during the  
11 2010-11 school year. The renumbering of section 121.58 (6) of the statutes and  
the creation of section 121.58 (6) (b) of the  
statutes

(END)



State of Wisconsin  
2011 - 2012 LEGISLATURE

TODAY



LRB-2066/PZ  
TKK&PG:all:rs

Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Ger Cat

SA ✓

1 AN ACT *to repeal* 118.225 (1) to (4) and 119.18 (6) (a); *to renumber* 120.13 (1)  
2 (f), 120.13 (1) (h) 1. a. and 121.58 (6); *to renumber and amend* 118.225 (intro.);  
3 *to consolidate, renumber and amend* 119.18 (6) (intro.) and (b); *to amend*  
4 43.70 (3), 115.88 (1), 115.88 (1m) (a), 118.125 (5) (b), 118.30 (2) (c), 118.43 (3)  
5 (intro.), 118.43 (6) (b) 10., 120.12 (3) (a), (b) and (c), 120.13 (1) (h) 4., 120.17 (8)  
6 (a) and 121.58 (6) (title); and *to create* 118.33 (1) (e), 118.40 (2r) (b) 2m., 118.43  
7 (3r), 120.13 (1) (f) 2. and 3., 120.13 (1) (h) 1. ag., 120.13 (1) (h) 1. c., 120.13 (1)  
8 (h) 2m., 120.13 (1) (h) 3m., 120.13 (1) (h) 4m., 120.13 (1) (h) 5m., 120.13 (1) (h)  
9 6m. and 121.58 (6) (b) of the statutes; *relating to:* granting high school credit  
10 for extracurricular sports; services provided by a special education program;  
11 transportation aid paid to school districts; the use of moneys received by a  
12 school district from the common school fund; using the results of standardized  
13 examinations to evaluate, discharge, suspend, or discipline a teacher or for the  
14 nonrenewal of a teacher's contract; the number of teaching days scheduled in  
15 the Milwaukee Public Schools; permitting a school district to limit the grades

1 in which to reduce class size under the Student Achievement Guarantee in  
2 Education Program; permitting a school board to deny enrollment to a pupil  
3 who has been expelled from an out-of-state school or from an independent  
4 charter school in this state and permitting an independent charter school to  
5 expel a pupil; use of law enforcement records to take disciplinary action against  
6 a pupil under a school district's athletic code; and changing the date by which  
7 a school district must certify the amount of its property tax levy.

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***Analysis by the Legislative Reference Bureau***

Pupil expulsion → This bill makes a number of changes to the laws governing public education. Under current law, a school board may expel a pupil only if the pupil engaged in certain prohibited conduct while at school or while under the supervision of a school authority. Generally, the prohibited conduct is conduct that endangers the property, health, or safety of others or interferes with the ability of school authorities to maintain order or an educational atmosphere at school. Prior to expelling a pupil, the school board must follow certain procedures. These procedures include holding an expulsion hearing and providing the pupil and, if the pupil is a minor, his or her parent, with written and timely notice of the hearing.

Also under current law, a school board may refuse to enroll a pupil during the term of the pupil's expulsion from another school district. In an opinion issued on April 10, 2008, the Wisconsin attorney general determined that current law does not permit a school district to refuse to enroll a pupil who is currently expelled from a private school or an out-of-state school.

Current law permits the University of Wisconsin (UW)–Milwaukee, UW–Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of charter schools. Generally, charter schools operate with fewer constraints than traditional public schools. Current law does not explicitly authorize an independent charter school to expel a pupil.

This bill permits an independent charter school to include in its charter or contract grounds for expelling a pupil provided the grounds duplicate the grounds provided under current law to school boards. If a charter or contract of an independent charter school includes grounds for expelling a pupil, the charter or contract must also include the same procedural requirements established for the expulsion of a pupil by a school board under current law.

This bill authorizes a school board to refuse to enroll a pupil during the term of the pupil's expulsion from a public school in another state if the grounds for the pupil's expulsion would have been grounds for expulsion in this state. This bill also permits a school board to refuse to enroll a pupil during the term of the pupil's

expulsion from an independent charter school if the charter or contract of the independent charter school contains the grounds for expulsion and procedural requirements identified above.

Under current law, a school board may include early reinstatement conditions in an expulsion order issued for a pupil. Current law defines “early reinstatement condition” as a condition that a pupil must meet before he or she may be granted early reinstatement or a condition that a pupil must meet after his or her early reinstatement but before the expiration of the term of expulsion specified in the pupil’s expulsion order. Early reinstatement conditions must relate to the reasons for the pupil’s expulsion. If a school district administrator or designee determines that the pupil has satisfied the early reinstatement conditions, the pupil may be reinstated before the expiration of the term of the pupil’s expulsion. If a pupil who received early reinstatement subsequently violates an early reinstatement condition before the expiration of the term of expulsion, the school board may revoke the pupil’s early reinstatement.

This bill permits a school board other than the school board that expelled a pupil to establish enrollment conditions for the pupil. The bill defines “enrollment condition” as a condition that a pupil is required to meet before he or she may be granted conditional enrollment or a condition that a pupil is required to meet after his or her conditional enrollment but before the expiration of the term of expulsion specified in the pupil’s expulsion order. The enrollment conditions must relate to the reasons for the pupil’s expulsion from the expelling school district. The school district administrator or designee of the nonexpelling school district may permit the pupil to conditionally enroll in a school located in that school district if the pupil satisfies the enrollment conditions, and may revoke conditional enrollment if the pupil subsequently violates the enrollment conditions.

Current law generally allows an eligible school board that enters into a five-year renewable student achievement guarantee (SAGE) contract with the Department of Public Instruction (DPI) to receive \$2,250 for each low-income pupil enrolled in grades kindergarten to three in a school with specified low-income enrollment if the school board reduces the class size of the classes in which the low-income pupils are enrolled. Current law requires a school board to phase in the class size limitation over the five-year contract. In the first year of a SAGE contract, the school board must reduce class size in grades kindergarten and one. By the fourth year of the SAGE contract, the school board must have reduced the class size in all of the grades kindergarten to three.

In general, for SAGE contracts entered into prior to the 2010–11 school year, a participating school board could only satisfy the class size limitation requirement by reducing class size to 15 pupils. For SAGE contracts entered into in the 2010–11 school year, current law permits a school board to satisfy the class size limitation requirement by either reducing class size to 18 pupils or by combining two classes with two classroom teachers to achieve a total class size of 30 pupils. Current law permits a school board to renew and receive payments under a renewed SAGE contract if the school board either maintains the reduced class size achieved during the last school year of the original SAGE contract for the grades specified for the last

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SAGE contracts

school year of the contract, reduces class size to no more than 18 pupils, or combines two classes with two classroom teachers to achieve a total class size of 30 pupils.

This bill permits a school board that has entered into or renewed a SAGE contract to choose not to comply with the class size limitation requirements in one or more grades covered by the contract in one or more schools in the school district and in one or more years of the contract term.

① Special education services

Under current law, a school district receives state special education aid for the costs of contracting with a public or private agency for physical or occupational therapy services. This bill explicitly authorizes a school district to contract for a variety of services, including orientation and mobility training, educational interpreters, audiologists, speech therapists, pupil transition services, and any services approved by the state superintendent of public instruction; and makes the costs of such a contract eligible for special education aid.

② Pupil transportation costs

Under current law, DPI must prorate state aid payments to school districts for transportation costs if the amount appropriated does not cover all eligible costs. Under this bill, if funds remain after DPI pays all approved claims, DPI must distribute the balance to school districts on a prorated basis.

③ School libraries

Current law allows a school district to use up to 25 percent of the moneys it receives from the common school fund in a fiscal year to purchase school library computers and related software. This bill eliminates the 25 percent limit.

④ Teacher evaluations

Current law allows a school board to use the results of state-required standardized examinations and the standardized examinations required under the federal No Child Left Behind Act to evaluate teachers if certain conditions are met. The school board must develop a teacher evaluation plan that includes a description of the evaluation process, multiple criteria in addition to examination results, the rationale for using examination results for evaluating teachers, and an explanation of how the school board intends to use the evaluations to improve pupil academic achievement.

This bill allows a school board to use the results of standardized examinations to evaluate teachers without the presence of the conditions described above.

Under current law, the results of standardized examinations may not be used to discharge, suspend, or formally discipline a teacher or as the reason for the nonrenewal of a teacher's contract.

This bill provides that the results of standardized examinations may not be used as the *sole* reason to discharge, suspend, or formally discipline a teacher or as the *sole* reason for the nonrenewal of a teacher's contract.

⑤ MPS teaching days

Under current law, the board of Milwaukee Public Schools determines the school calendar and vacation periods for the regular day and summer schools each school year, but the board may not schedule more than 200 teaching days in the regular day school period in any school year. This bill eliminates the requirement that no more than 200 teaching days be scheduled in the regular day school period.

⑥ Law enforcement records

Under current law, law enforcement records obtained by and relating to the conduct of a pupil of a school district may not be used as the sole basis for expelling or suspending the pupil or as the sole basis for taking any other disciplinary action against the pupil, including action under the school district's athletic code. This bill

move to p. 3

permits a school district to use such law enforcement records as the sole basis for taking action against a pupil under the district's athletic code.

④ Credits for  
= sports

Current law requires a high school pupil to earn 1.5 credits in physical education in order to be eligible for a high school diploma. This bill authorizes a school board to adopt a policy granting a pupil credit in physical education for completing a season in an extracurricular sport if the sport is sanctioned by the Wisconsin Interscholastic Athletic Association.

④ Tax levy

Under current law, each school board must annually determine the amount necessary to be raised to operate and maintain the schools of the school district and must, on or before November 6, certify that amount to the municipal clerk to assess and enter onto the tax rolls. This bill provides that, in years in which a November general election is held, the school board must certify the amount to be assessed on or before November 10.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

LPS: add  
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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 43.70 (3) of the statutes is amended to read:

43.70 (3) Immediately upon making such apportionment, the state superintendent shall certify to the department of administration the estimated amount that each school district is entitled to receive under this section and shall notify each school district administrator of the estimated amount so certified for his or her school district. The department of administration shall distribute each school district's aid entitlement in one payment on or before May 1. The amount paid to each school district shall be based upon the amount in the appropriation account under s. 20.255 (2) (s) on April 15. Moneys distributed under this section may be expended only for the purchase of instructional materials from the state historical society for use in teaching Wisconsin history and for the purchase of library books and other instructional materials for school libraries, but not for public library facilities operated by school districts under s. 43.52, in accordance with rules promulgated by the state superintendent. In addition, a school district may use up to 25 percent of

1 the moneys received ~~in a fiscal year~~ under this section to purchase school library  
2 computers and related software if the school board consults with the person who  
3 supervises the school district's libraries and the computers and software are housed  
4 in the school library. Appropriate records of all purchases under this section shall  
5 be kept and necessary reports thereon shall be made to the state superintendent.

6 **SECTION 2.** 115.88 (1) of the statutes is amended to read:

7 115.88 (1) PERSONNEL. A school board, board of control of a cooperative  
8 educational service agency or, upon authorization of the county board, a county  
9 children with disabilities education board may employ, for a special education  
10 program, either ~~full-~~ full-time or part-time licensed teachers, licensed coordinators  
11 of special education, school nurses, licensed school social workers, licensed school  
12 psychologists, licensed school counselors, paraprofessionals, licensed consulting  
13 teachers to work with any teacher of regular education programs who has a child  
14 with a disability in a class and any other personnel approved by the department. The  
15 board may contract with private or public agencies for physical or occupational  
16 therapy services, orientation and mobility training services, educational interpreter  
17 services, educational audiology, speech therapy, pupil transition services, or any  
18 service approved by the state superintendent, on the basis of demonstrated need. A  
19 school board may contract with a charter school to provide special education services  
20 to pupils attending the charter school if the charter school is under contract with the  
21 school board under s. 118.40 (2m) and the charter school is not an instrumentality  
22 of the school district.

23 **SECTION 3.** 115.88 (1m) (a) of the statutes is amended to read:

24 115.88 (1m) (a) Subject to par. (b), upon receipt of the plan under s. 115.77 (4),  
25 if the state superintendent is satisfied that the special education program has been

1 maintained during the preceding school year in accordance with law, the state  
2 superintendent shall certify to the department of administration in favor of each  
3 county, cooperative educational service agency, and school district maintaining such  
4 special education program a sum equal to the amount expended by the county,  
5 agency, and school district during the preceding year for salaries of personnel  
6 enumerated in sub. (1); the salary portion of any authorized contract for ~~physical or~~  
7 ~~occupational therapy~~ services under sub. (1); the salary portion of any contract to  
8 provide special education services to pupils attending a charter school, as authorized  
9 under sub. (1); and other expenses approved by the state superintendent, as costs  
10 eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

11 **SECTION 4.** 118.125 (5) (b) of the statutes is amended to read:

12 118.125 (5) (b) Law enforcement officers' records obtained under s. 48.396 (1)  
13 or 938.396 (1) (b) 2. or (c) 3. and records of the court assigned to exercise jurisdiction  
14 under chs. 48 and 938 or of a municipal court obtained under s. 938.396 (2g) (m) may  
15 not be used by a school district as the sole basis for expelling or suspending a pupil  
16 or as the sole basis for taking any other disciplinary action, including against a pupil.  
17 but may be used as the sole basis for taking action against a pupil under the school  
18 district's athletic code, ~~against a pupil.~~

19 **SECTION 5.** 118.225 (intro.) of the statutes is renumbered 118.225 and amended  
20 to read:

21 **118.225 Teacher evaluations.** A school board may use the results of  
22 examinations administered to pupils under s. 118.30 and 20 USC 6311 (b) (3) to  
23 evaluate teachers ~~if the school board has developed a teacher evaluation plan that~~  
24 ~~includes all of the following:~~

25 **SECTION 6.** 118.225 (1) to (4) of the statutes are repealed.

1       **SECTION 7.** 118.30 (2) (c) of the statutes is amended to read:

2       118.30 **(2)** (c) The results of examinations administered under this section or  
3       under 20 USC 6311 (b) (3) to pupils enrolled in public schools, including charter  
4       schools, may not be used as the sole reason to discharge, suspend, or formally  
5       discipline a teacher or as the sole reason for the nonrenewal of a teacher's contract.

6       **SECTION 8.** 118.33 (1) (e) of the statutes is created to read:

7       118.33 **(1)** (e) A school board may adopt a policy granting a pupil credit in  
8       physical education under par. (a) 1. for completing a season in an extracurricular  
9       sport if the sport is sanctioned by the Wisconsin Interscholastic Athletic Association.  
10      If a school board adopts a policy under this paragraph, it shall provide the  
11      department with a copy.

12      **SECTION 9.** 118.40 (2r) (b) 2m. of the statutes is created to read:

13      118.40 **(2r)** (b) 2m. a. A charter or contract may include grounds for expelling  
14      a pupil from the charter school, but the charter or contract may not include as a  
15      ground for expulsion any ground for expulsion other than the grounds for expulsion  
16      under s. 120.13 (1) (c) 1., 2., or 2m.

17      b. If the charter or contract includes grounds for expelling a pupil from the  
18      charter school as permitted under subd. 2m. a., the charter or contract shall include  
19      the procedures to be followed by the charter school prior to expelling a pupil. The  
20      procedures required under this subd. 2m. b. shall conform to the procedures specified  
21      under s. 120.13 (1) (c) 3. and 4. or to the procedures specified under s. 120.13 (1) (e).

22      **SECTION 10.** 118.43 (3) (intro.) of the statutes is amended to read:

23      118.43 **(3)** CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am),  
24      (ar), and (at) and sub. (3r), an achievement guarantee contract shall require the  
25      school board to do all of the following in each participating school:

1           **SECTION 11.** 118.43 (3r) of the statutes is created to read:

2           118.43 **(3r)** ADJUSTMENT TO PARTICIPATING GRADES. A school district that has  
3 entered into or renewed an achievement guarantee contract under this section may,  
4 in one or more years covered by the contract, choose not to comply with the  
5 requirement to reduce class size in the manner required under sub. (3) (a), (am), (ar),  
6 or (at) or permitted under sub. (3m) in one or more of the grades covered by the  
7 contract in one or more schools in the district.

8           **SECTION 12.** 118.43 (6) (b) 10. of the statutes is amended to read:

9           118.43 **(6)** (b) 10. In the 2010–11 school year and any subsequent school year,  
10 \$2,250 multiplied by the number of low-income pupils enrolled in grades a grade  
11 eligible for funding, and in a class in which the class size has been reduced in the  
12 manner required under sub. (3) (a), (am), (ar), or (at) or permitted under sub. (3m).  
13 in each school in the school district covered by contracts under sub. (3) (at) and by  
14 renewals of contracts under sub. (2) (g).

15           **SECTION 13.** 119.18 (6) (intro.) and (b) of the statutes are consolidated,  
16 renumbered 119.18 (6) and amended to read:

17           119.18 **(6)** SCHOOL CALENDAR. The board may determine the school calendar and  
18 vacation periods for each school year for the regular day schools, summer schools,  
19 social centers, and playgrounds, ~~except that: (b).~~ The board may close any school or  
20 dismiss any class in the event of an emergency, fire or other casualty, quarantine, or  
21 epidemic.

22           **SECTION 14.** 119.18 (6) (a) of the statutes is repealed.

23           **SECTION 15.** 120.12 (3) (a), (b) and (c) of the statutes are amended to read:

24           120.12 **(3)** (a) ~~On~~ Annually on or before November 1, determine the amount  
25 necessary to be raised to operate and maintain the schools of the school district and

1 public library facilities operated by the school district under s. 43.52, if the annual  
2 meeting has not voted a tax sufficient for such purposes for the school year. ~~On~~  
3 Annually on or before November 6, or, in those years in which a November general  
4 election is held, November 10, the school district clerk shall certify the appropriate  
5 amount so determined to each appropriate municipal clerk who shall assess the  
6 amount certified and enter it on the tax rolls as other school district taxes are  
7 assessed and entered.

8 (b) If a tax sufficient to operate and maintain the schools of a school district for  
9 the ensuing school year has not been determined, certified and levied prior to the  
10 effective date of school district reorganization under ch. 117 affecting any territory  
11 of the school district, the school board of the affected school district shall determine,  
12 on or before the November 1 following the effective date of the reorganization, the  
13 amount of deficiency in operation and maintenance funds on the effective date of the  
14 reorganization which should have been paid by the property in the affected school  
15 district if the tax had been determined, certified and assessed prior to the effective  
16 date of the reorganization. ~~On or before November 6, or, in those years in which a~~  
17 November general election is held, November 10, the school district clerk shall  
18 certify the appropriate amount to each appropriate municipal clerk who shall assess,  
19 enter and collect the amount as a special tax on the property. This paragraph does  
20 not affect the apportionment of assets and liabilities under s. 66.0235.

21 (c) If on or before November 1 the school board determines that the annual  
22 meeting has voted a tax greater than that needed to operate the schools of the school  
23 district for the school year, the school board may lower the tax voted by the annual  
24 meeting. ~~On or before November 6, or, in those years in which a November general~~  
25 election is held, November 10, the school district clerk shall certify the appropriate

1 amount so determined to each appropriate municipal clerk who shall assess the  
2 amount certified to him or her and enter it on the tax rolls in lieu of the amount  
3 previously reported.

4 **SECTION 16.** 120.13 (1) (f) of the statutes is renumbered 120.13 (1) (f) 1.

5 **SECTION 17.** 120.13 (1) (f) 2. and 3. of the statutes are created to read:

6 120.13 **(1)** (f) 2. No school board is required to enroll a pupil during the term  
7 of his or her expulsion from a public school in another state if the school board  
8 determines the conduct giving rise to the pupil's expulsion would have been grounds  
9 for expulsion under par. (c) 1., 2., or 2m.

10 3. No school board is required to enroll a pupil during the term of his or her  
11 expulsion from a charter school established under s. 118.40 (2r) if the charter or  
12 contract for the charter school contains the provisions specified under s. 118.40 (2r)  
13 (b) 2m. If a pupil who has been expelled from a charter school established under s.  
14 118.40 (2r) seeks to enroll in a school district during the term of his or her expulsion,  
15 upon request of the pupil or, if the pupil is a minor, the pupil's parent or guardian,  
16 the governing body of the charter school shall provide the school board of the school  
17 district with a copy of the expulsion findings and order, a written explanation of the  
18 reasons why the pupil was expelled, and the term of the expulsion.

19 **SECTION 18.** 120.13 (1) (h) 1. a. of the statutes is renumbered 120.13 (1) (h) 1.  
20 am.

21 **SECTION 19.** 120.13 (1) (h) 1. ag. of the statutes is created to read:

22 120.13 **(1)** (h) 1. ag. "Conditional enrollment" means enrollment of an expelled  
23 pupil in a school district other than the school district that expelled the pupil before  
24 the expiration of the term of expulsion specified in the pupil's expulsion order under  
25 par. (c) 3. or (e) 3.

1           **SECTION 20.** 120.13 (1) (h) 1. c. of the statutes is created to read:

2           120.13 **(1)** (h) 1. c. “Enrollment condition” means a condition that a pupil is  
3 required to meet before he or she may be granted conditional enrollment or a  
4 condition that a pupil is required to meet after his or her conditional enrollment but  
5 before the expiration of the term of expulsion specified in the pupil’s expulsion order  
6 under par. (c) 3. or (e) 3.

7           **SECTION 21.** 120.13 (1) (h) 2m. of the statutes is created to read:

8           120.13 **(1)** (h) 2m. A school board other than the school board that expelled a  
9 pupil may specify in a written order one or more enrollment conditions instead of or  
10 in addition to the early reinstatement conditions imposed under subd. 2. by the  
11 school board, or independent hearing panel or independent hearing officer acting  
12 under par. (e), that expelled the pupil. Any enrollment conditions established under  
13 this subdivision shall relate to the reasons for the pupil’s expulsion and may not  
14 extend the term of expulsion specified in the expulsion order issued under par. (c) 3.  
15 or (e) 3. The school district clerk of the school district other than the school district  
16 from which the pupil was expelled shall mail 2 copies of the order to the pupil or, if  
17 the pupil is a minor, to the pupil’s parent or guardian. The expelled pupil or, if the  
18 pupil is a minor, the pupil’s parent or guardian shall sign and return one copy of the  
19 order to the school board other than the school board that expelled the pupil. Within  
20 15 days after the date on which the order under this subdivision is issued, the  
21 expelled pupil or, if the pupil is a minor, the pupil’s parent or guardian may appeal  
22 the determination regarding whether an enrollment condition specified in the order  
23 is related to the reasons for the pupil’s expulsion to the school board that specified  
24 the enrollment condition. The decision of the school board under this subdivision  
25 regarding that determination is final and not subject to appeal.

1           **SECTION 22.** 120.13 (1) (h) 3m. of the statutes is created to read:

2           120.13 **(1)** (h) 3m. If the school district administrator, or his or her designee,  
3 of a school district other than the school district from which a pupil was expelled  
4 determines that the pupil has met the enrollment conditions established in a written  
5 order under subd. 2m., the school district administrator or designee may grant the  
6 pupil conditional enrollment in a school in the school district. The determination of  
7 the school district administrator or designee under this subdivision is final.

8           **SECTION 23.** 120.13 (1) (h) 4. of the statutes is amended to read:

9           120.13 **(1)** (h) 4. If a pupil granted early reinstatement under subd. 3. violates  
10 an early reinstatement condition that the pupil was required to meet after his or her  
11 early reinstatement but before the expiration of the term of expulsion, the school  
12 district administrator or a principal or teacher designated by the school district  
13 administrator may revoke the pupil's early reinstatement. Before revoking the  
14 pupil's early reinstatement, the school district administrator or his or her designee  
15 shall advise the pupil of the reason for the proposed revocation, including the early  
16 reinstatement condition alleged to have been violated, provide the pupil an  
17 opportunity to present his or her explanation of the alleged violation, and make a  
18 determination that the pupil violated the early reinstatement condition and that  
19 revocation of the pupil's early reinstatement is appropriate. If the school district  
20 administrator or designee revokes the pupil's early reinstatement, the school district  
21 administrator or designee shall give prompt written notice of the revocation and the  
22 reason for the revocation, including the early reinstatement condition violated, to the  
23 pupil and, if the pupil is a minor, to the pupil's parent or guardian.

24           **SECTION 24.** 120.13 (1) (h) 4m. of the statutes is created to read:

1           120.13 (1) (h) 4m. If a pupil granted conditional enrollment under subd. 3m.  
2 violates an enrollment condition that the pupil was required to meet after his or her  
3 conditional enrollment but before the expiration of the term of expulsion, the school  
4 district administrator of the school district in which the pupil is enrolled, or a  
5 principal or teacher designated by the school district administrator, may revoke the  
6 pupil's conditional enrollment. Before revoking the pupil's conditional enrollment,  
7 the school district administrator or his or her designee shall advise the pupil of the  
8 reason for the proposed revocation, including the enrollment condition alleged to  
9 have been violated, provide the pupil an opportunity to present his or her  
10 explanation of the alleged violation, and make a determination that the pupil  
11 violated the enrollment condition and that revocation of the pupil's conditional  
12 enrollment is appropriate. If the school district administrator or designee revokes  
13 the pupil's conditional enrollment, the school district administrator or designee shall  
14 give prompt written notice of the revocation and the reason for the revocation,  
15 including the enrollment condition violated, to the pupil and, if the pupil is a minor,  
16 to the pupil's parent or guardian.

17           **SECTION 25.** 120.13 (1) (h) 5m. of the statutes is created to read:

18           120.13 (1) (h) 5m. Except as provided in subd. 6m., if a pupil's conditional  
19 enrollment is revoked under subd. 4m., the pupil's expulsion shall continue to the  
20 expiration of the term of the expulsion specified in the expulsion order unless the  
21 pupil or, if the pupil is a minor, the pupil's parent or guardian and the school board  
22 that expelled the pupil, or the independent hearing panel or independent hearing  
23 officer, agree, in writing, to modify the expulsion order.

24           **SECTION 26.** 120.13 (1) (h) 6m. of the statutes is created to read:

1           120.13 (1) (h) 6m. Within 5 school days after the revocation of a pupil's  
2 conditional enrollment under subd. 4m., the pupil or, if the pupil is a minor, the  
3 pupil's parent or guardian may request a conference with the administrator of the  
4 school district in which the pupil is enrolled, or his or her designee, who shall be  
5 someone other than a principal, administrator, or teacher in the pupil's school. If a  
6 conference is requested, it shall be held within 5 school days following the request.  
7 If, after the conference, the school district administrator or his or her designee finds  
8 that the pupil did not violate an enrollment condition or that the revocation was  
9 inappropriate, the pupil shall be enrolled in school under the same enrollment  
10 conditions as in the order issued under subd. 2m. and the conditional enrollment  
11 revocation shall be expunged from the pupil's record. If the school district  
12 administrator or his or her designee finds that the pupil violated an enrollment  
13 condition and that the revocation was appropriate, he or she shall mail separate  
14 copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or  
15 guardian. The decision of the school district administrator or his or her designee is  
16 final.

17           **SECTION 27.** 120.17 (8) (a) of the statutes is amended to read:

18           120.17 (8) (a) Annually on or before November 6, or, in those years in which a  
19 November general election is held, November 10, deliver to the clerk of each  
20 municipality having territory within the school district a certified statement  
21 showing that proportion of the amount of taxes voted and not before reported, and  
22 that proportion of the amount of tax to be collected in such year, if any, for the annual  
23 payment of any loan to be assessed on that part of the school district territory lying  
24 within the municipality. Such proportion shall be determined from the full values  
25 certified to the school district clerk under s. 121.06 (2).

1       **SECTION 28.** 121.58 (6) (title) of the statutes is amended to read:

2       121.58 **(6)** (title) ~~APPROPRIATION PRORATED, PRORATION, DISTRIBUTION OF BALANCE.~~

3       **SECTION 29.** 121.58 (6) of the statutes is renumbered 121.58 (6) (a).

4       **SECTION 30.** 121.58 (6) (b) of the statutes is created to read:

5       121.58 **(6)** (b) If the appropriation under s. 20.255 (2) (cr) in any fiscal year  
6 exceeds the amount of approved claims paid in full under this section and s. 121.575,  
7 the department shall distribute the balance to those school districts entitled to state  
8 aid under this section, with each school district receiving a percentage of the balance  
9 equal to its percentage of the total approved claims.

10       **SECTION 31. Initial applicability.**

11       (1) The treatment of section 118.40 (2r) (b) 2m. of the statutes first applies to  
12 a charter or contract to establish and operate a charter school that is entered into,  
13 modified, or renewed on the effective date of this subsection.

14       (2) The treatment of section 120.13 (1) (f) 2. of the statutes first applies to a  
15 pupil expelled from a public school in another state on the effective date of this  
16 subsection.

17       (3) The treatment of section 118.33 (1) (e) of the statutes first applies to high  
18 school diplomas granted under a policy adopted by a school board after the effective  
19 date of this subsection.

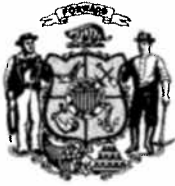
20       (4) The treatment of sections 115.88 (1) and (1m) (a) of the statutes first applies  
21 to state aid paid in the 2012–13 fiscal year.

22       (5) The treatment of section 118.30 (2) (c) of the statutes, the repeal of section  
23 118.225 (1) to (4) of the statutes, and the renumbering and amendment of section  
24 118.225 (intro.) of the statutes first apply to examinations administered during the  
25 2012–2013 school year.

1           (6) The treatment of section 118.43 (3) (intro.), (3r), and (6) (b) 10. of the statutes  
2       first applies to state aid distributed under section 118.43 (6) (b) in the 2011–12 school  
3       year.

(7) The renumbering of section 121.58 (6) of the statutes and the creation of section 121.58 (6) (b) of the statutes first apply to aid paid for transportation provided during the 2010–11 school year.

7 (END)



State of Wisconsin  
2011 - 2012 LEGISLATURE

NOW



LRB-2066/1  
TKK&PG:all:rs

2011 BILL

PP. 2-5  
+ 17

Regen.

1 AN ACT *to repeal* 118.225 (1) to (4) and 119.18 (6) (a); *to renumber* 120.13 (1)  
2 (f), 120.13 (1) (h) 1. a. and 121.58 (6); *to renumber and amend* 118.225 (intro.);  
3 *to consolidate, renumber and amend* 119.18 (6) (intro.) and (b); *to amend*  
4 43.70 (3), 115.88 (1), 115.88 (1m) (a), 118.125 (5) (b), 118.30 (2) (c), 118.43 (3)  
5 (intro.), 118.43 (6) (b) 10., 120.12 (3) (a), (b) and (c), 120.13 (1) (h) 4., 120.17 (8)  
6 (a) and 121.58 (6) (title); and *to create* 118.33 (1) (e), 118.40 (2r) (b) 2m., 118.43  
7 (3r), 120.13 (1) (f) 2. and 3., 120.13 (1) (h) 1. ag., 120.13 (1) (h) 1. c., 120.13 (1)  
8 (h) 2m., 120.13 (1) (h) 3m., 120.13 (1) (h) 4m., 120.13 (1) (h) 5m., 120.13 (1) (h)  
9 6m. and 121.58 (6) (b) of the statutes; **relating to:** granting high school credit  
10 for extracurricular sports; services provided by a special education program;  
11 transportation aid paid to school districts; the use of moneys received by a  
12 school district from the common school fund; using the results of standardized  
13 examinations to evaluate, discharge, suspend, or discipline a teacher or for the  
14 nonrenewal of a teacher's contract; the number of teaching days scheduled in

**BILL**

1 the Milwaukee Public Schools; permitting a school district to limit the grades  
2 in which to reduce class size under the Student Achievement Guarantee in  
3 Education Program; permitting a school board to deny enrollment to a pupil  
4 who has been expelled from an out-of-state school or from an independent  
5 charter school in this state and permitting an independent charter school to  
6 expel a pupil; use of law enforcement records to take disciplinary action against  
7 a pupil under a school district's athletic code; and changing the date by which  
8 a school district must certify the amount of its property tax levy.

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***Analysis by the Legislative Reference Bureau***

This bill makes a number of changes to the laws governing public education.

*Fix-  
TITLES* **Pupil expulsion**

Under current law, a school board may expel a pupil only if the pupil engaged in certain prohibited conduct while at school or while under the supervision of a school authority. Generally, the prohibited conduct is conduct that endangers the property, health, or safety of others or interferes with the ability of school authorities to maintain order or an educational atmosphere at school. Prior to expelling a pupil, the school board must follow certain procedures. These procedures include holding an expulsion hearing and providing the pupil and, if the pupil is a minor, his or her parent, with written and timely notice of the hearing.

Also under current law, a school board may refuse to enroll a pupil during the term of the pupil's expulsion from another school district. In an opinion issued on April 10, 2008, the Wisconsin attorney general determined that current law does not permit a school district to refuse to enroll a pupil who is currently expelled from a private school or an out-of-state school.

Current law permits the University of Wisconsin (UW)–Milwaukee, UW–Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of charter schools. Generally, charter schools operate with fewer constraints than traditional public schools. Current law does not explicitly authorize an independent charter school to expel a pupil.

This bill permits an independent charter school to include in its charter or contract grounds for expelling a pupil provided the grounds duplicate the grounds provided under current law to school boards. If a charter or contract of an independent charter school includes grounds for expelling a pupil, the charter or contract must also include the same procedural requirements established for the expulsion of a pupil by a school board under current law.

**BILL**

This bill authorizes a school board to refuse to enroll a pupil during the term of the pupil's expulsion from a public school in another state if the grounds for the pupil's expulsion would have been grounds for expulsion in this state. This bill also permits a school board to refuse to enroll a pupil during the term of the pupil's expulsion from an independent charter school if the charter or contract of the independent charter school contains the grounds for expulsion and procedural requirements identified above.

Under current law, a school board may include early reinstatement conditions in an expulsion order issued for a pupil. Current law defines "early reinstatement condition" as a condition that a pupil must meet before he or she may be granted early reinstatement or a condition that a pupil must meet after his or her early reinstatement but before the expiration of the term of expulsion specified in the pupil's expulsion order. Early reinstatement conditions must relate to the reasons for the pupil's expulsion. If a school district administrator or designee determines that the pupil has satisfied the early reinstatement conditions, the pupil may be reinstated before the expiration of the term of the pupil's expulsion. If a pupil who received early reinstatement subsequently violates an early reinstatement condition before the expiration of the term of expulsion, the school board may revoke the pupil's early reinstatement.

This bill permits a school board other than the school board that expelled a pupil to establish enrollment conditions for the pupil. The bill defines "enrollment condition" as a condition that a pupil is required to meet before he or she may be granted conditional enrollment or a condition that a pupil is required to meet after his or her conditional enrollment but before the expiration of the term of expulsion specified in the pupil's expulsion order. The enrollment conditions must relate to the reasons for the pupil's expulsion from the expelling school district. The school district administrator or designee of the nonexpelling school district may permit the pupil to conditionally enroll in a school located in that school district if the pupil satisfies the enrollment conditions, and may revoke conditional enrollment if the pupil subsequently violates the enrollment conditions.

*TALES* — Teacher evaluations

Current law allows a school board to use the results of state-required standardized examinations and the standardized examinations required under the federal No Child Left Behind Act to evaluate teachers if certain conditions are met. The school board must develop a teacher evaluation plan that includes a description of the evaluation process, multiple criteria in addition to examination results, the rationale for using examination results for evaluating teachers, and an explanation of how the school board intends to use the evaluations to improve pupil academic achievement.

This bill allows a school board to use the results of standardized examinations to evaluate teachers without the presence of the conditions described above.

Under current law, the results of standardized examinations may not be used to discharge, suspend, or formally discipline a teacher or as the reason for the nonrenewal of a teacher's contract.

**BILL**

This bill provides that the results of standardized examinations may not be used as the *sole* reason to discharge, suspend, or formally discipline a teacher or as the *sole* reason for the nonrenewal of a teacher's contract.

SAGE contracts

Current law generally allows an eligible school board that enters into a five-year renewable student achievement guarantee (SAGE) contract with the Department of Public Instruction (DPI) to receive \$2,250 for each low-income pupil enrolled in grades kindergarten to three in a school with specified low-income enrollment if the school board reduces the class size of the classes in which the low-income pupils are enrolled. Current law requires a school board to phase in the class size limitation over the five-year contract. In the first year of a SAGE contract, the school board must reduce class size in grades kindergarten and one. By the fourth year of the SAGE contract, the school board must have reduced the class size in all of the grades kindergarten to three.

In general, for SAGE contracts entered into prior to the 2010–11 school year, a participating school board could only satisfy the class size limitation requirement by reducing class size to 15 pupils. For SAGE contracts entered into in the 2010–11 school year, current law permits a school board to satisfy the class size limitation requirement by either reducing class size to 18 pupils or by combining two classes with two classroom teachers to achieve a total class size of 30 pupils. Current law permits a school board to renew and receive payments under a renewed SAGE contract if the school board either maintains the reduced class size achieved during the last school year of the original SAGE contract for the grades specified for the last school year of the contract, reduces class size to no more than 18 pupils, or combines two classes with two classroom teachers to achieve a total class size of 30 pupils.

This bill permits a school board that has entered into or renewed a SAGE contract to choose not to comply with the class size limitation requirements in one or more grades covered by the contract in one or more schools in the school district and in one or more years of the contract term.

Special education services

Under current law, a school district receives state special education aid for the costs of contracting with a public or private agency for physical or occupational therapy services. This bill explicitly authorizes a school district to contract for a variety of services, including orientation and mobility training, educational interpreters, audiologists, speech therapists, pupil transition services, and any services approved by the state superintendent of public instruction; and makes the costs of such a contract eligible for special education aid.

Pupil transportation costs

Under current law, DPI must prorate state aid payments to school districts for transportation costs if the amount appropriated does not cover all eligible costs. Under this bill, if funds remain after DPI pays all approved claims, DPI must distribute the balance to school districts on a prorated basis.

School libraries

**BILL**

Current law allows a school district to use up to 25 percent of the moneys it receives from the common school fund in a fiscal year to purchase school library computers and related software. This bill eliminates the 25 percent limit.

**MPS teaching days**

Under current law, the board of Milwaukee Public Schools determines the school calendar and vacation periods for the regular day and summer schools each school year, but the board may not schedule more than 200 teaching days in the regular day school period in any school year. This bill eliminates the requirement that no more than 200 teaching days be scheduled in the regular day school period.

**Law enforcement records**

Under current law, law enforcement records obtained by and relating to the conduct of a pupil of a school district may not be used as the sole basis for expelling or suspending the pupil or as the sole basis for taking any other disciplinary action against the pupil, including action under the school district's athletic code. This bill permits a school district to use such law enforcement records as the sole basis for taking action against a pupil under the district's athletic code.

**Credits for sports**

Current law requires a high school pupil to earn 1.5 credits in physical education in order to be eligible for a high school diploma. This bill authorizes a school board to adopt a policy granting a pupil credit in physical education for completing a season in an extracurricular sport if the sport is sanctioned by the Wisconsin Interscholastic Athletic Association.

**Tax levy**

Under current law, each school board must annually determine the amount necessary to be raised to operate and maintain the schools of the school district and must, on or before November 6, certify that amount to the municipal clerk to assess and enter onto the tax rolls. This bill provides that, in years in which a November general election is held, the school board must certify the amount to be assessed on or before November 10.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1           **SECTION 1.** 43.70 (3) of the statutes is amended to read:
- 2           **43.70 (3)** Immediately upon making such apportionment, the state
- 3           superintendent shall certify to the department of administration the estimated
- 4           amount that each school district is entitled to receive under this section and shall
- 5           notify each school district administrator of the estimated amount so certified for his

**BILL****SECTION 1**

1 or her school district. The department of administration shall distribute each school  
2 district's aid entitlement in one payment on or before May 1. The amount paid to each  
3 school district shall be based upon the amount in the appropriation account under  
4 s. 20.255 (2) (s) on April 15. Moneys distributed under this section may be expended  
5 only for the purchase of instructional materials from the state historical society for  
6 use in teaching Wisconsin history and for the purchase of library books and other  
7 instructional materials for school libraries, but not for public library facilities  
8 operated by school districts under s. 43.52, in accordance with rules promulgated by  
9 the state superintendent. In addition, a school district may use ~~up to 25 percent of~~  
10 the moneys received in a fiscal year under this section to purchase school library  
11 computers and related software if the school board consults with the person who  
12 supervises the school district's libraries and the computers and software are housed  
13 in the school library. Appropriate records of all purchases under this section shall  
14 be kept and necessary reports thereon shall be made to the state superintendent.

15 **SECTION 2.** 115.88 (1) of the statutes is amended to read:

16 115.88 (1) PERSONNEL. A school board, board of control of a cooperative  
17 educational service agency or, upon authorization of the county board, a county  
18 children with disabilities education board may employ, for a special education  
19 program, either ~~full-~~ full-time or part-time licensed teachers, licensed coordinators  
20 of special education, school nurses, licensed school social workers, licensed school  
21 psychologists, licensed school counselors, paraprofessionals, licensed consulting  
22 teachers to work with any teacher of regular education programs who has a child  
23 with a disability in a class and any other personnel approved by the department. The  
24 board may contract with private or public agencies for physical or occupational  
25 therapy services, orientation and mobility training services, educational interpreter

**BILL**

1 services, educational audiology, speech therapy, pupil transition services, or any  
2 service approved by the state superintendent, on the basis of demonstrated need. A  
3 school board may contract with a charter school to provide special education services  
4 to pupils attending the charter school if the charter school is under contract with the  
5 school board under s. 118.40 (2m) and the charter school is not an instrumentality  
6 of the school district.

7 **SECTION 3.** 115.88 (1m) (a) of the statutes is amended to read:

8 115.88 **(1m)** (a) Subject to par. (b), upon receipt of the plan under s. 115.77 (4),  
9 if the state superintendent is satisfied that the special education program has been  
10 maintained during the preceding school year in accordance with law, the state  
11 superintendent shall certify to the department of administration in favor of each  
12 county, cooperative educational service agency, and school district maintaining such  
13 special education program a sum equal to the amount expended by the county,  
14 agency, and school district during the preceding year for salaries of personnel  
15 enumerated in sub. (1); ~~the salary portion of any authorized contract for physical or~~  
16 ~~occupational therapy services~~ under sub. (1); the salary portion of any contract to  
17 provide special education services to pupils attending a charter school, as authorized  
18 under sub. (1); and other expenses approved by the state superintendent, as costs  
19 eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

20 **SECTION 4.** 118.125 (5) (b) of the statutes is amended to read:

21 118.125 **(5)** (b) Law enforcement officers' records obtained under s. 48.396 (1)  
22 or 938.396 (1) (b) 2. or (c) 3. and records of the court assigned to exercise jurisdiction  
23 under chs. 48 and 938 or of a municipal court obtained under s. 938.396 (2g) (m) may  
24 not be used by a school district as the sole basis for expelling or suspending a pupil  
25 or as the sole basis for taking any other disciplinary action, including against a pupil.

**BILL****SECTION 4**

1 but may be used as the sole basis for taking action against a pupil under the school  
2 district's athletic code, ~~against a pupil.~~

3 **SECTION 5.** 118.225 (intro.) of the statutes is renumbered 118.225 and amended  
4 to read:

5 **118.225 Teacher evaluations.** A school board may use the results of  
6 examinations administered to pupils under s. 118.30 and 20 USC 6311 (b) (3) to  
7 evaluate teachers ~~if the school board has developed a teacher evaluation plan that~~  
8 ~~includes all of the following:~~

9 **SECTION 6.** 118.225 (1) to (4) of the statutes are repealed.

10 **SECTION 7.** 118.30 (2) (c) of the statutes is amended to read:

11 118.30 **(2)** (c) The results of examinations administered under this section or  
12 under 20 USC 6311 (b) (3) to pupils enrolled in public schools, including charter  
13 schools, may not be used as the sole reason to discharge, suspend, or formally  
14 discipline a teacher or as the sole reason for the nonrenewal of a teacher's contract.

15 **SECTION 8.** 118.33 (1) (e) of the statutes is created to read:

16 118.33 **(1)** (e) A school board may adopt a policy granting a pupil credit in  
17 physical education under par. (a) 1. for completing a season in an extracurricular  
18 sport if the sport is sanctioned by the Wisconsin Interscholastic Athletic Association.  
19 If a school board adopts a policy under this paragraph, it shall provide the  
20 department with a copy.

21 **SECTION 9.** 118.40 (2r) (b) 2m. of the statutes is created to read:

22 118.40 **(2r)** (b) 2m. a. A charter or contract may include grounds for expelling  
23 a pupil from the charter school, but the charter or contract may not include as a  
24 ground for expulsion any ground for expulsion other than the grounds for expulsion  
25 under s. 120.13 (1) (c) 1., 2., or 2m.

**BILL**

1           b. If the charter or contract includes grounds for expelling a pupil from the  
2 charter school as permitted under subd. 2m. a., the charter or contract shall include  
3 the procedures to be followed by the charter school prior to expelling a pupil. The  
4 procedures required under this subd. 2m. b. shall conform to the procedures specified  
5 under s. 120.13 (1) (c) 3. and 4. or to the procedures specified under s. 120.13 (1) (e).

6           **SECTION 10.** 118.43 (3) (intro.) of the statutes is amended to read:

7           118.43 **(3)** CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am),  
8 (ar), and (at) and sub. (3r), an achievement guarantee contract shall require the  
9 school board to do all of the following in each participating school:

10          **SECTION 11.** 118.43 (3r) of the statutes is created to read:

11          118.43 **(3r)** ADJUSTMENT TO PARTICIPATING GRADES. A school district that has  
12 entered into or renewed an achievement guarantee contract under this section may,  
13 in one or more years covered by the contract, choose not to comply with the  
14 requirement to reduce class size in the manner required under sub. (3) (a), (am), (ar),  
15 or (at) or permitted under sub. (3m) in one or more of the grades covered by the  
16 contract in one or more schools in the district.

17          **SECTION 12.** 118.43 (6) (b) 10. of the statutes is amended to read:

18          118.43 **(6)** (b) 10. In the 2010–11 school year and any subsequent school year,  
19 \$2,250 multiplied by the number of low-income pupils enrolled in grades a grade  
20 eligible for funding, and in a class in which the class size has been reduced in the  
21 manner required under sub. (3) (a), (am), (ar), or (at) or permitted under sub. (3m).  
22 in each school in the school district covered by contracts under sub. (3) (at) and by  
23 renewals of contracts under sub. (2) (g).

24          **SECTION 13.** 119.18 (6) (intro.) and (b) of the statutes are consolidated,  
25 renumbered 119.18 (6) and amended to read:

**BILL****SECTION 13**

1           119.18 (6) SCHOOL CALENDAR. The board may determine the school calendar and  
2 vacation periods for each school year for the regular day schools, summer schools,  
3 social centers, and playgrounds, ~~except that: (b).~~ The board may close any school or  
4 dismiss any class in the event of an emergency, fire or other casualty, quarantine, or  
5 epidemic.

6           **SECTION 14.** 119.18 (6) (a) of the statutes is repealed.

7           **SECTION 15.** 120.12 (3) (a), (b) and (c) of the statutes are amended to read:

8           120.12 (3) (a) ~~On~~ Annually on or before November 1, determine the amount  
9 necessary to be raised to operate and maintain the schools of the school district and  
10 public library facilities operated by the school district under s. 43.52, if the annual  
11 meeting has not voted a tax sufficient for such purposes for the school year. ~~On~~  
12 Annually on or before November 6, or, in those years in which a November general  
13 election is held, November 10, the school district clerk shall certify the appropriate  
14 amount so determined to each appropriate municipal clerk who shall assess the  
15 amount certified and enter it on the tax rolls as other school district taxes are  
16 assessed and entered.

17           (b) If a tax sufficient to operate and maintain the schools of a school district for  
18 the ensuing school year has not been determined, certified and levied prior to the  
19 effective date of school district reorganization under ch. 117 affecting any territory  
20 of the school district, the school board of the affected school district shall determine,  
21 on or before the November 1 following the effective date of the reorganization, the  
22 amount of deficiency in operation and maintenance funds on the effective date of the  
23 reorganization which should have been paid by the property in the affected school  
24 district if the tax had been determined, certified and assessed prior to the effective  
25 date of the reorganization. On or before November 6, or, in those years in which a

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1 November general election is held, November 10, the school district clerk shall  
2 certify the appropriate amount to each appropriate municipal clerk who shall assess,  
3 enter and collect the amount as a special tax on the property. This paragraph does  
4 not affect the apportionment of assets and liabilities under s. 66.0235.

5 (c) If on or before November 1 the school board determines that the annual  
6 meeting has voted a tax greater than that needed to operate the schools of the school  
7 district for the school year, the school board may lower the tax voted by the annual  
8 meeting. On or before November 6, or, in those years in which a November general  
9 election is held, November 10, the school district clerk shall certify the appropriate  
10 amount so determined to each appropriate municipal clerk who shall assess the  
11 amount certified to him or her and enter it on the tax rolls in lieu of the amount  
12 previously reported.

13 **SECTION 16.** 120.13 (1) (f) of the statutes is renumbered 120.13 (1) (f) 1.

14 **SECTION 17.** 120.13 (1) (f) 2. and 3. of the statutes are created to read:

15 120.13 (1) (f) 2. No school board is required to enroll a pupil during the term  
16 of his or her expulsion from a public school in another state if the school board  
17 determines the conduct giving rise to the pupil's expulsion would have been grounds  
18 for expulsion under par. (c) 1., 2., or 2m.

19 3. No school board is required to enroll a pupil during the term of his or her  
20 expulsion from a charter school established under s. 118.40 (2r) if the charter or  
21 contract for the charter school contains the provisions specified under s. 118.40 (2r)  
22 (b) 2m. If a pupil who has been expelled from a charter school established under s.  
23 118.40 (2r) seeks to enroll in a school district during the term of his or her expulsion,  
24 upon request of the pupil or, if the pupil is a minor, the pupil's parent or guardian,  
25 the governing body of the charter school shall provide the school board of the school

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1 district with a copy of the expulsion findings and order, a written explanation of the  
2 reasons why the pupil was expelled, and the term of the expulsion.

3 **SECTION 18.** 120.13 (1) (h) 1. a. of the statutes is renumbered 120.13 (1) (h) 1.  
4 am.

5 **SECTION 19.** 120.13 (1) (h) 1. ag. of the statutes is created to read:

6 120.13 **(1)** (h) 1. ag. "Conditional enrollment" means enrollment of an expelled  
7 pupil in a school district other than the school district that expelled the pupil before  
8 the expiration of the term of expulsion specified in the pupil's expulsion order under  
9 par. (c) 3. or (e) 3.

10 **SECTION 20.** 120.13 (1) (h) 1. c. of the statutes is created to read:

11 120.13 **(1)** (h) 1. c. "Enrollment condition" means a condition that a pupil is  
12 required to meet before he or she may be granted conditional enrollment or a  
13 condition that a pupil is required to meet after his or her conditional enrollment but  
14 before the expiration of the term of expulsion specified in the pupil's expulsion order  
15 under par. (c) 3. or (e) 3.

16 **SECTION 21.** 120.13 (1) (h) 2m. of the statutes is created to read:

17 120.13 **(1)** (h) 2m. A school board other than the school board that expelled a  
18 pupil may specify in a written order one or more enrollment conditions instead of or  
19 in addition to the early reinstatement conditions imposed under subd. 2. by the  
20 school board, or independent hearing panel or independent hearing officer acting  
21 under par. (e), that expelled the pupil. Any enrollment conditions established under  
22 this subdivision shall relate to the reasons for the pupil's expulsion and may not  
23 extend the term of expulsion specified in the expulsion order issued under par. (c) 3.  
24 or (e) 3. The school district clerk of the school district other than the school district  
25 from which the pupil was expelled shall mail 2 copies of the order to the pupil or, if

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1 the pupil is a minor, to the pupil's parent or guardian. The expelled pupil or, if the  
2 pupil is a minor, the pupil's parent or guardian shall sign and return one copy of the  
3 order to the school board other than the school board that expelled the pupil. Within  
4 15 days after the date on which the order under this subdivision is issued, the  
5 expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal  
6 the determination regarding whether an enrollment condition specified in the order  
7 is related to the reasons for the pupil's expulsion to the school board that specified  
8 the enrollment condition. The decision of the school board under this subdivision  
9 regarding that determination is final and not subject to appeal.

10 **SECTION 22.** 120.13 (1) (h) 3m. of the statutes is created to read:

11 120.13 (1) (h) 3m. If the school district administrator, or his or her designee,  
12 of a school district other than the school district from which a pupil was expelled  
13 determines that the pupil has met the enrollment conditions established in a written  
14 order under subd. 2m., the school district administrator or designee may grant the  
15 pupil conditional enrollment in a school in the school district. The determination of  
16 the school district administrator or designee under this subdivision is final.

17 **SECTION 23.** 120.13 (1) (h) 4. of the statutes is amended to read:

18 120.13 (1) (h) 4. If a pupil granted early reinstatement under subd. 3. violates  
19 an early reinstatement condition that the pupil was required to meet after his or her  
20 early reinstatement but before the expiration of the term of expulsion, the school  
21 district administrator or a principal or teacher designated by the school district  
22 administrator may revoke the pupil's early reinstatement. Before revoking the  
23 pupil's early reinstatement, the school district administrator or his or her designee  
24 shall advise the pupil of the reason for the proposed revocation, including the early  
25 reinstatement condition alleged to have been violated, provide the pupil an

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1 opportunity to present his or her explanation of the alleged violation, and make a  
2 determination that the pupil violated the early reinstatement condition and that  
3 revocation of the pupil's early reinstatement is appropriate. If the school district  
4 administrator or designee revokes the pupil's early reinstatement, the school district  
5 administrator or designee shall give prompt written notice of the revocation and the  
6 reason for the revocation, including the early reinstatement condition violated, to the  
7 pupil and, if the pupil is a minor, to the pupil's parent or guardian.

8 **SECTION 24.** 120.13 (1) (h) 4m. of the statutes is created to read:

9 120.13 (1) (h) 4m. If a pupil granted conditional enrollment under subd. 3m.  
10 violates an enrollment condition that the pupil was required to meet after his or her  
11 conditional enrollment but before the expiration of the term of expulsion, the school  
12 district administrator of the school district in which the pupil is enrolled, or a  
13 principal or teacher designated by the school district administrator, may revoke the  
14 pupil's conditional enrollment. Before revoking the pupil's conditional enrollment,  
15 the school district administrator or his or her designee shall advise the pupil of the  
16 reason for the proposed revocation, including the enrollment condition alleged to  
17 have been violated, provide the pupil an opportunity to present his or her  
18 explanation of the alleged violation, and make a determination that the pupil  
19 violated the enrollment condition and that revocation of the pupil's conditional  
20 enrollment is appropriate. If the school district administrator or designee revokes  
21 the pupil's conditional enrollment, the school district administrator or designee shall  
22 give prompt written notice of the revocation and the reason for the revocation,  
23 including the enrollment condition violated, to the pupil and, if the pupil is a minor,  
24 to the pupil's parent or guardian.

25 **SECTION 25.** 120.13 (1) (h) 5m. of the statutes is created to read:

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1           120.13 (1) (h) 5m. Except as provided in subd. 6m., if a pupil's conditional  
2 enrollment is revoked under subd. 4m., the pupil's expulsion shall continue to the  
3 expiration of the term of the expulsion specified in the expulsion order unless the  
4 pupil or, if the pupil is a minor, the pupil's parent or guardian and the school board  
5 that expelled the pupil, or the independent hearing panel or independent hearing  
6 officer, agree, in writing, to modify the expulsion order.

7           **SECTION 26.** 120.13 (1) (h) 6m. of the statutes is created to read:

8           120.13 (1) (h) 6m. Within 5 school days after the revocation of a pupil's  
9 conditional enrollment under subd. 4m., the pupil or, if the pupil is a minor, the  
10 pupil's parent or guardian may request a conference with the administrator of the  
11 school district in which the pupil is enrolled, or his or her designee, who shall be  
12 someone other than a principal, administrator, or teacher in the pupil's school. If a  
13 conference is requested, it shall be held within 5 school days following the request.  
14 If, after the conference, the school district administrator or his or her designee finds  
15 that the pupil did not violate an enrollment condition or that the revocation was  
16 inappropriate, the pupil shall be enrolled in school under the same enrollment  
17 conditions as in the order issued under subd. 2m. and the conditional enrollment  
18 revocation shall be expunged from the pupil's record. If the school district  
19 administrator or his or her designee finds that the pupil violated an enrollment  
20 condition and that the revocation was appropriate, he or she shall mail separate  
21 copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or  
22 guardian. The decision of the school district administrator or his or her designee is  
23 final.

24           **SECTION 27.** 120.17 (8) (a) of the statutes is amended to read:

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1           120.17 **(8)** (a) Annually on or before November 6, or, in those years in which a  
2           November general election is held, November 10, deliver to the clerk of each  
3           municipality having territory within the school district a certified statement  
4           showing that proportion of the amount of taxes voted and not before reported, and  
5           that proportion of the amount of tax to be collected in such year, if any, for the annual  
6           payment of any loan to be assessed on that part of the school district territory lying  
7           within the municipality. Such proportion shall be determined from the full values  
8           certified to the school district clerk under s. 121.06 (2).

9           **SECTION 28.** 121.58 (6) (title) of the statutes is amended to read:

10          121.58 **(6)** (title) APPROPRIATION PRORATED; PRORATION, DISTRIBUTION OF BALANCE.

11          **SECTION 29.** 121.58 (6) of the statutes is renumbered 121.58 (6) (a).

12          **SECTION 30.** 121.58 (6) (b) of the statutes is created to read:

13          121.58 **(6)** (b) If the appropriation under s. 20.255 (2) (cr) in any fiscal year  
14          exceeds the amount of approved claims paid in full under this section and s. 121.575,  
15          the department shall distribute the balance to those school districts entitled to state  
16          aid under this section, with each school district receiving a percentage of the balance  
17          equal to its percentage of the total approved claims.

18          **SECTION 31. Initial applicability.**

19          (1) The treatment of section 118.40 (2r) (b) 2m. of the statutes first applies to  
20          a charter or contract to establish and operate a charter school that is entered into,  
21          modified, or renewed on the effective date of this subsection.

22          (2) The treatment of section 120.13 (1) (f) 2. of the statutes first applies to a  
23          pupil expelled from a public school in another state on the effective date of this  
24          subsection.

# BILL

(3) The treatment of section 118.33 (1) (e) of the statutes first applies to high school diplomas granted under a policy adopted by a school board after the effective date of this subsection.

(4) The treatment of sections 115.88 (1) and (1m) (a) of the statutes first applies to state aid paid in the 2012–13 fiscal year.

(5) The treatment of section 118.30 (2) (c) of the statutes, the repeal of section 118.225 (1) to (4) of the statutes, and the renumbering and amendment of section 118.225 (intro.) of the statutes first apply to examinations administered during the 2012–2013 school year.

(6) The treatment of section 118.43 (3) (intro.), (3r), and (6) (b) 10. of the statutes first applies to state aid distributed under section 118.43 (6) (b) <sup>y</sup> in the 2011–12 school year. <sub>of the statutes</sub>

(7) The renumbering of section 121.58 (6) of the statutes and the creation of section 121.58 (6) (b) of the statutes first apply to aid paid for transportation provided during the 2010–11 school year.

(END)

**Godwin, Gigi**

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**From:** Kulow, Chris

**Sent:** Thursday, May 12, 2011 3:40 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 11-2066/2 Topic: Omnibus education bill (compile)

Please Jacket LRB 11-2066/2 for the ASSEMBLY.